



ADDENDUM NO. 01

PORTLAND PUBLIC SCHOOLS, SCHOOL DISTRICT NO. 1J,
MULTNOMAH COUNTY, OREGON

October 19, 2005

BID NO: **06-856**

TITLE: Consultation Services: Workforce Management Project

BID FORMS DUE: October **24, 2005**

NOT LATER THAN **2:00 PM**

This Addendum modifies or clarifies the Solicitation Documents only to the extent indicated herein, and all portions thereof not specifically affected by the addendum shall remain in full force and effect. All addenda shall be added to and form a part of the Solicitation Documents.

Please acknowledge receipt hereof by inserting the above Addendum Number in the space provided in the Bid/Quote Documents prior to submission. Failure to do so may subject respondent to disqualification.

- Item # 01 Question: Will an HCM 8.9 environment be available at the beginning of the project?
Answer: We expect to have HCM 8.9 installed in development by the beginning of the project. We do not expect deployment until **March/April 2006**.
- Item # 02 Question: What is the status of the upgrade? Is it a straight technical upgrade, or is the District adding new functionality and re-engineering processes?
Answer: There is additional functionality available in the upgrade that is not currently available in v. 8.8. That said, at this time, the district does not have plans to incorporate this functionality into existing business processes.
- Item # 03 Question: Will anyone from Finance or Budget be allocated to the project?
Answer: We neglected to add these folks in the RFP. We expect Steve Olsen (Budget Manager) and Hilary Jones (Budget Office) to be involved in this project.
- Item # 04 Question: On page 9 -Question 2. D - "Describe the ability to provide all the services listed in Section 1 including.:" please clarify what is meant by Budget development, i.e., is the District asking the selected vendor to develop the budget for how much the project will cost or being able to help the District develop their own FTE budget?
Answer: This is RFP boiler language relative to the "Qualifications" section. Not sure the intent. Perhaps **Elaine/Darin** can shed light.
- Item # 05 Question: What happens if a third party is used to deliver our proposal?
Answer: Procurement will date stamp a label (receipt) and give it to them, as well as sign their ledger.
- Item # 06 Question: Should we respond to the questions as they are identified in the proposal?
Answer: Yes, to avoid confusion and questions from the evaluation team members.

END OF ADDENDUM NO. 01

Nathan Mosley

Contracts Specialist for Elaine Holt, CPPB, Contracts and Procurement Manager

1 - Bid Addenda
06-856 RFP Addendum 01
Rev 0312912005

Appeal Page 164 of 168



November 15, 2006

Ian Poellet, Contracts/Fiscal Manager
Portland Public Schools
510 North Dixon
Portland, Oregon 97227

RE: REQUIRED ELEMENTS OF A REQUEST FOR PROPOSAL

Dear Mr. Poellet:

I wanted to follow up on our recent conversation regarding your projects submitted for e-rate reimbursement. As I conveyed to you in our teleconference, I do not believe that the scope of work documents in question remotely qualify as a request for proposal (RFP).

According to the Oregon Attorney General's Model Public Contract Rules (Oregon Administrative Rules, 137-047-0260), the following elements need to be present in an RFP process:

137-047-0260 Competitive Sealed Proposals

(1) Generally. A Contracting Agency may procure Goods or Services by competitive sealed Proposals as set forth in ORS 279B.060. A Request for Proposal is used to initiate a competitive sealed Proposal solicitation and shall contain the information required by ORS 279B.060(2) and by section (2) of this rule. The Contracting Agency shall provide public notice of the competitive sealed Proposal as set forth in OAR 137-047-0300.

(2) Request for Proposal. In addition to the provisions required by ORS 279B.060(2), the Request for Proposal shall include the following:

(a) General Information.

(A) Notice of any pre-Offer conference as follows:

(i) The time, date and location of any pre-Offer conference; and

(ii) Whether attendance at the conference will be mandatory or voluntary; and

(iii) A provision that provides that statements made by the Contracting Agency's representatives at the conference are not binding upon the Contracting Agency unless confirmed by Written Addendum.

(B) The form and instructions for submission of Proposals and any other special information, e.g., whether Proposals may be submitted by electronic means (See OAR 137-047-0330 for required provisions of electronic Proposals);

(C) The time, date and place of Opening;

(D) The office where the Solicitation Document may be reviewed;

(E) Contractor's certification of nondiscrimination in obtaining required subcontractors in accordance with ORS 279A.110(4), (See OAR 137-046-0210(3)); and

(F) How the Contracting Agency will notify Proposers of Addenda and how the Contracting Agency will make Addenda available. (See **ORAR** 137-047-0430).

(b) Contracting Agency Need. The character of the **Goods** or Services the Contracting Agency is purchasing including, if applicable, a description of the acquisition, Specifications, delivery or performance schedule, inspection and acceptance requirements.

(c) Proposal and Evaluation Process,

(A) The anticipated solicitation schedule, deadlines, protest process, and evaluation process;

(B) The Contracting Agency shall set forth selection criteria in the Solicitation Document in accordance with the requirements of **ORS 279B.060(2)(h)(E)**. Evaluation criteria need not be precise predictors of actual future costs and performance, but to the extent possible, such factors shall be reasonable estimates of actual future costs based on information available to the Contracting Agency;

(C) If the Contracting Agency's solicitation process calls for the Contracting Agency to establish a Competitive Range, the Contracting Agency shall state the size of the Competitive Range in the Solicitation Document. However, the Contracting Agency may increase or decrease the **number** of Proposers in the Competitive Range in accordance with **ORAR** 137-047-0262(1)(a)(B).

(D) If the Contracting Agency intends to Award Contracts to more than one Proposer pursuant to **ORAR** 137-047-0600(4)(d), the Contracting Agency must identify in the Solicitation Document the manner in which it will determine the number of Contracts it will Award,

(d) Applicable Preferences described in **ORS** 279A.125(2) and 282.210.

(e) For Contracting Agencies subject to **ORS** 305.385, Contractor's certification of compliance with the Oregon tax laws in accordance with **ORS** 305.385.

(f) All Contract terms and conditions, including a provision indicating whether the Contractor can assign the Contract, delegate its duties, or subcontract the Goods or Services without prior written approval from the Contracting Agency.

In addition, Oregon Revised Statutes (**ORS** 2796.060) requires the following **provisions** in an **RFP**:

279B.060 Competitive **sealed** proposals. (1) **A** contracting agency may solicit and award a public contract for goods or services, or may award multiple public contracts for goods or services when specified in the request for proposals, by requesting and evaluating competitive sealed proposals.

(2) The request for proposals must include:

(a) **A** time and date by which sealed proposals must be received, and a place at which the proposals must be submitted, and may, in the **sole** discretion of the contracting agency, direct or permit the submission and receipt of proposals by electronic means;

(b) The name and title of the person designated for receipt of proposals and the person designated by the contracting agency as the contact **person** for the procurement, if different;

(c) **A** procurement description;

(d) **A** time, date and place that prequalification applications, if any, **must** be filed and the classes of **work**, if any, for which proposers must be prequalified in accordance with **ORS** 279B.120;

(e) A statement that the contracting agency may cancel the procurement or reject any or all proposals in accordance with **ORS** 279B.100;

(f) **A** statement that "contractors shall use recyclable products to the maximum extent economically feasible in the performance of the contract work set forth in **this** document." if the request for proposals is issued by a state contracting agency;

(g) **A** statement that requires the contractor or subcontractor to **possess an** asbestos abatement license, if required under **ORS** 468A.710; and

(h) **All** contractual terms and conditions applicable to the procurement. **The** request for proposals also may:

(A) Identify those contractual terms or conditions the contracting agency **reserves**, in the request for

proposals, for negotiation with proposers;

(B) Request that proposers propose contractual terms **and** conditions that relate to subject matter reasonably identified in the request for proposals;

(C) Contain or incorporate the form and content of the contract that the contracting agency will accept, or suggested contract terms and conditions that nevertheless may be the subject of negotiations with proposers;

(D) Announce the method of contractor selection that may include, but is not limited to, negotiation with the highest ranked proposer, competitive negotiations, multiple-tiered competition designed to identify a class of proposers that fall within a competitive range or to otherwise eliminate from consideration a class of lower ranked proposers, or any combination of methods, as authorized or prescribed by rules adopted under ORS 279A.065; and

(E) Contain a description of the manner in which proposals will be evaluated, including the relative importance of price and any other evaluation factors used to rate the proposals in the first tier of competition, and if more than one tier of competitive evaluation may be used, a description of the process under which the proposals will be evaluated in the subsequent tiers.

(3)(a) The contracting agency may require proposal security in any form deemed prudent by the contracting agency. Proposal security shall serve the same function with respect to requests for proposals as bid security serves with respect to invitations to bid under ORS 279B.055.

(b) The contracting agency shall return the proposal security to all proposers upon the execution of the contract.

(c) The contracting agency shall retain the proposal security if a proposer who is awarded a contract fails to promptly and properly execute the contract. For purposes of this paragraph, prompt and proper execution of the contract includes all action by a proposer that is necessary to the formation of a contract in accordance with the request for proposals, including the posting of performance security and the submission of proof of insurance when required by the request for proposals. If contract negotiations or competitive negotiations are conducted, the failure, prior to award, of a contracting agency and a proposer to reach agreement does not constitute grounds for the retention of proposal security.

(4) Public notice of the request for proposals shall be given in the same manner as provided for public notice of invitations to bid in ORS 279B.055 (4).

(5)(a) Notwithstanding ORS 192.410 to 192.505, proposals may be opened in a manner to avoid disclosure of contents to competing proposers during, when applicable, the process of negotiation, but the contracting agency shall record and make available the identity of all proposers as part of the contracting agency's public records from and after the opening of the proposals. Notwithstanding ORS 192.410 to 192.505, proposals are not required to be open for public inspection until after the notice of intent to award a contract is issued. The fact that proposals are opened at a meeting, as defined in ORS 192.610, does not make their contents subject to disclosure, regardless of whether the public body opening the proposals fails to give notice of or provide for an executive session for the purpose of opening proposals.

(b) Notwithstanding any requirement to make proposals open to public inspection after the contracting agency's issuance of notice of intent to award a contract, a contracting agency may withhold from disclosure to the public materials included in a proposal that are exempt or conditionally exempt from disclosure under ORS 192.501 or 192.502.

(c) If a request for proposals is canceled under ORS 279B.100 after proposals are received, the contracting agency may return a proposal to the proposer that made the proposal. The contracting agency shall keep a list of returned proposals in the file for the solicitation.

(6)(a) As provided in the request for proposals or in written addenda issued thereunder, the contracting agency may conduct site tours, demonstrations, individual or group discussions and other informational activities with proposers before or after the opening of proposals for the purpose of clarification to ensure full understanding of, and responsiveness to, the solicitation requirements or to consider and respond to requests for modifications of the proposal requirements. The contracting agency shall use procedures designed to accord proposers fair and equal treatment with respect to any opportunity for discussion and revision of proposals.

(b) For purposes of evaluation, when provided for in the request for proposals, the contracting agency may employ methods of contractor selection that include, but are not limited to:

(A) An award or awards based solely on the ranking of proposals;

(B) Discussions leading to best and final offers, in which the contracting agency may not disclose private discussions leading to best and final offers;

(C) Discussions leading to best and final offers, in which the contracting agency may not disclose information derived from proposals submitted by competing proposers;

(D) Serial negotiations, beginning with the highest ranked proposer;

(E) Competitive simultaneous negotiations;

(F) Multiple-tiered competition designed to identify, at each level, a class of proposers that fall within a competitive range or to otherwise eliminate from consideration a class of lower ranked proposers;

(G) A multistep request for proposals requesting the submission of unpriced technical submittals, and then

later issuing a request for proposals limited to the proposers whose technical submittals the contracting agency had determined to be qualified under the criteria set forth in the initial request for proposals; or

(H) Any combination of methods described in this paragraph, as authorized or prescribed by rules adopted under ORS 279A.065.

(c) Revisions of proposals may be permitted after the submission of proposals and before award for the purpose of obtaining best offers or best and final offers.

(d) After the opening of proposals, a contracting agency may issue or electronically post an addendum to the request for proposals that modifies the criteria, rating process and procedure for any tier of competition before the start of the tier to which the addendum applies. The contracting agency shall send an addendum that is issued by a method other than electronic posting to all proposers who are eligible to compete under the addendum. The contracting agency shall issue or post the addendum at least five days before the start of the subject tier of competition or as otherwise determined by the contracting agency to be adequate to allow eligible proposers to prepare for the competition in accordance with rules adopted under ORS 279A.065.

(7) The cancellation of requests for proposals and the rejection of proposals must be in accordance with ORS 279B.100.

(8) In the request for proposals, the contracting agency shall describe the methods by which the agency will make the results of each tier of competitive evaluation available to the proposers who competed in the tier. The contracting agency shall include a description of the manner in which the proposers who are eliminated from further competition may protest or otherwise object to the contracting agency's decision.

(9) The contracting agency shall issue or electronically post the notice of intent to award described in ORS 279B.135 to each proposer who was evaluated in the final competitive tier.

(10) If a contract is awarded, the contracting agency shall award the contract to the responsible proposer whose proposal the contracting agency determines in writing to be the most advantageous to the Contracting agency based on the evaluation process and evaluation factors described in the request for proposals, any applicable preferences described in ORS 279A.120 and 279A.125 and, when applicable, the outcome of any negotiations authorized by the request for proposals. Other factors may not be used in the evaluation. When the request for proposals specifies or authorizes the award of multiple public contracts, the contracting agency shall award public contracts to the responsible proposers who qualify for the award of a contract under the terms of the request for proposals.

(11) The contracting agency may issue a request for information, a request for interest, a request for qualifications or other preliminary documents to obtain information useful in the preparation of a request for proposals.

You may be aware that Oregon's Procurement Code was revised in 2003, and that it was modeled after the American Bar Association's Model Procurement Code. Additional information regarding ABA and this Code can be found at www.abanet.org/home.html

In reviewing your scope of work document for the 1900 Centrex lines from January 2005, I found that this information seemed adequate for interested contractors to submit offers. In addition to the general scope of work required, it included guidelines for submission as well as the evaluation criteria. However, I do not believe this constituted an RFP. I apologize for the length of this communication, but I felt it necessary to cite the applicable requirements for RFP's issued by public agencies in Oregon. Please feel free to contact me at (503) 797-1626 or matthewsd@metro.dst.or.us if you require additional information.

Sincerely,



Darin Matthews, CPPQ, C.P.M.
President, National Institute of
Governmental Purchasing, Inc.



Universal Service Administrative Company
Schools & Libraries Division

Administrator's Decision on Appeal – Funding Year 2005-2006

February 05, 2007

Scott Robinson
Portland Public Schools
501 North Dixon Street
Portland, OR 97227

Re: Applicant Name: PORTLAND PUBLIC SCHOOLS
Billed Entity Number: 144908
Form 471 Application Number: 449002
Funding Request Number(s): 1283179, 1287465, 1288190, 1288517, 1294161,
1301623, 1307528, 1313804
Your Correspondence Dated: November 17, 2006

After thorough review and investigation of all relevant facts, the Schools and Libraries Division (SLD) of the Universal Service Administrative Company (USAC) has made its decision in regard to your appeal of USAC's Funding Year 2005 Funding Commitment Decision Letter for the Application Number indicated above. This letter explains the basis of USAC's decision. The date of **this** letter begins the 60 day time period for appealing **this** decision to the Federal Communications Commission (FCC). If your Letter of Appeal included more than one Application Number, please note that you will receive a separate letter for each application.

Funding Request Number(s): 1283179, 1287465, 1288190, 1288517, 1294161,
1301623, 1307528, 1313804

Decision on Appeal: **Denied**
Explanation:

- During the appeal review, USAC thoroughly assessed the facts presented in the appeal letter, the relevant documentation on file, and the FCC Rules and Procedures before making its determination on your appeal. **The** referenced Form 470 number 43 1070000531034 indicated that RFPs for the requested services **were** not available. On May 24, 2006, via the Selective Review Information Request (SRIR), you were asked to provide copies of any and all requests for proposals. In response to the **SRIR**, you provided copies of documents that you have **referred** to as RFP bid documents for the requested Telecommunications Services. This **is** a violation of the competitive bidding requirements of this support mechanism because it undermines **the** framework of the competitive

bidding process by suppressing a fair and open competition among potential bidders. On your Form 470, you did not advise potential bidders of the existence of the additional information which provided insight into your solicitation. The scope of work provided contained bid submission deadlines and evaluation criteria, which would not be available to bidders composing a complete responsive bid to the Form 470. Access to this information would have been necessary for all potential bidders when responding to your Form 470. You have failed to provide evidence that **USAC** erred in its original decision; consequently, the appeal is denied.

If your appeal has been approved, but funding has been reduced or denied, you may appeal these decisions to either **USAC** or the **FCC**. For appeals that have been denied in full, partially approved, dismissed, or canceled, you may file an appeal with the **FCC**. You should refer to CC Docket No. 02-6 on the first page of your appeal to the **FCC**. Your appeal must be received or postmarked within 60 days of the date on this letter. Failure to meet this requirement will result in automatic dismissal of your appeal. If you are submitting your appeal via United States Postal Service, send to: **FCC**, Office of the Secretary, 445 12th Street SW, Washington DC 20554. Further information and options for filing an appeal directly with the **FCC** can be found in the "Appeals Procedure" posted in the Reference Area of the SLD section of the **USAC** website or by contacting the Client Service Bureau. We strongly recommend that you use the electronic filing options.

We thank you for your continued support, patience and cooperation during the appeal process.

Schools and Libraries Division
Universal Service Administrative Company



Universal Service Administrative Company
Schools & Libraries Division

Administrator's Decision on Appeal –Funding Year 2005-2006

February 05.2007

Scott Robinson
Portland Public Schools
501 North Dixon Street
Portland, OR 97227

Re: Applicant Name: PORTLAND PUBLIC SCHOOLS
Billed Entity Number: 144908
Form 471 Application Number: 478450
Funding Request Number(s): 1336820, 1336852, 1336891, 1343381, 1343432,
1343501, 1343589, 1343811
Your Correspondence Dated: November 17, 2006

After thorough review and investigation of all relevant facts, the Schools and Libraries Division (SLD) of the Universal Service Administrative Company (USAC) has made its decision in regard to your appeal of USAC's Funding Year 2005 Funding Commitment Decision Letter for the Application Number indicated above. This letter explains the basis of USAC's decision. The date of this letter begins the 60 day time period for appealing this decision to the Federal Communications Commission (FCC). If your Letter of Appeal included more ~~than~~ one Application Number, please note that you will receive a separate letter for each application.

Funding Request Number(s): 1336820, 1336852, 1336891, 1343381, 1343432,
1343501, 1343589, 1343811

Decision on Appeal: **Denied**

Explanation:

- During the appeal review, USAC thoroughly assessed the facts presented in the appeal letter, the relevant documentation on file, and the FCC **Rules** and Procedures before making its determination on your appeal. The referenced Form 470 numbers 431070000531034 **and** 115480000534568 indicated that RFPs for the requested services were not available. On **May** 24, 2006, **via** the Selective Review Information Request (**SRIR**), you were asked to provide copies of any and all requests for proposals. In response to the **SRIR**, you provided copies of documents that you have referred to **as** RFP bid documents **for** the requested Internal Connections and Basic Maintenance of Internal Connections. This is a violation of the competitive bidding requirements **of this** support mechanism

because it undermines the framework of the competitive bidding process by suppressing a fair and open competition among potential bidders. On your Form 470, you did not advise potential bidders of the existence of the additional information which provided insight into your solicitation. The scope of work provided contained bid submission deadlines and evaluation criteria, which would not be available to bidders composing a complete responsive bid to the Form 470. Access to this information would have been necessary for all potential bidders when responding to your Form 470. You have failed to provide evidence that USAC erred in its original decision; consequently, the appeal is denied.

If your appeal has been approved, but funding has been reduced or denied, you may appeal these decisions to either USAC or the FCC. For appeals that have been denied in full, partially approved, dismissed, or canceled, you may file an appeal with the FCC. **You** should refer to CC Docket No. 02-6 on the first page of your appeal to the FCC. Your appeal must be received or postmarked within 60 days of the date on this letter. Failure to meet this requirement will result in automatic dismissal of your appeal. If you are submitting your appeal via United States Postal Service, send to: FCC, Office of the Secretary, 445 12th Street SW, Washington, DC 20554. Further information **and** options for filing **an** appeal directly with the FCC can **be** found in the "Appeals Procedure" posted in the Reference Area of the SLD section of the USAC website or by contacting the Client Service Bureau. We strongly recommend that you use the electronic filing options.

We thank you for your continued support, patience and cooperation during the appeal process.

Schools and Libraries Division
Universal Service Administrative Company

SS

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From: origin ID:MR1A (503)916-3014

Ian Poellet

PORTLAND PUBLIC SCHOOLS

501 N DIXON ST

PORTLAND, OR 97227

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Express



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Marlene H. Dortch

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